

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Midas Green Technologies, LLC,

Plaintiff,

- vs. -

Rhodium Enterprises, Inc.;
Rhodium Technologies LLC;
Rhodium 10mw LLC;
Rhodium 2.0 LLC;
Rhodium 30mw LLC;
Rhodium Encore LLC;
Rhodium Renewables LLC;

Defendants.

Civil Action No. 6:22-cv-00050-ADA

Jury Trial Demanded

DECLARATION OF WILLIAM J. KOLEGRAFF IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION TO STRIKE OPINIONS OF AND TO
EXCLUDE TESTIMONY OF DR. JAMES LEE

I, William J. Kolegraff, declare as follows:

1. I am a partner at Thomas Whitelaw & Kolegraff LLP, counsel of record for Plaintiff Midas Green Technologies, LLC (“Midas”) in this action. The facts stated in this declaration are true to my knowledge, and if called as a witness, I can and would testify competently to them.
2. I make this declaration in support of Plaintiff’s Opposition to Defendant’s Motion to Strike Opinions of and To Exclude Testimony of Dr. James Lee.
3. Attached as **Exhibit A** is a true and accurate copy of Dr. Lee’s Rebuttal Report dated January 26, 2024.
4. Attached as **Exhibit B** is a true and accurate copy of relevant highlighted portions of Dr. Lee’s deposition testimony taken on February 19, 2024.
5. Attached as **Exhibit C** is a true and accurate copy of Dr. Alphonso Ortega’s Opening Invalidity Report dated December 22, 2023.
6. Attached as **Exhibit D** is a true and accurate copy of Midas’ Preliminary Infringement Contentions dated April 11, 2022.
7. Attached as **Exhibit E** is a true and accurate copy of Midas’ Second Supplemental Response to Interrogatory No. 2, dated April 5, 2023.
8. Attached as **Exhibit F** is a true and accurate copy of Midas’ Supplemental Responses to Interrogatory No. 4, dated December 2, 2022.
9. Attached as **Exhibit G** is a true and accurate copy of U.S. Patent 10,405,457 with highlighted annotations.

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I declare under penalty of perjury under the laws of California that the foregoing is true and correct.

Executed March 15, 2024, at Irvine, California.

Respectfully submitted,
/s/ William J. Kolegraff

Joseph E. Thomas (*admitted p.h.v.*)
William J. Kolegraff (*admitted p.h.v.*)
Grant J. Thomas (*admitted p.h.v.*)
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CERTIFICATE OF SERVICE

I hereby certify that counsel of record who have appeared electronically in this case are being served with this document on March 15, 2024 by way of the primary email address that said counsel supplied to the Court's CM/ECF system.

/s/ Tierra Mendiola